

Article 8: Minors

Division 5: Restricting the Advertising of Alcoholic Beverages to Youth

*(“Restricting the Advertising of Alcoholic Beverages to Youth”
added 11-14-2000 by O-18879 N.S.)*

§58.0501 Definitions

All terms defined in this Division appear in italics.

For purposes of this Division:

Advertising means printed matter that calls the public’s attention to things for sale.

Alcoholic beverages means any substance containing one-half of one percent or more alcohol by volume and which is fit for consumption as a beverage either alone or when combined with other substances.

Arcade has the same meaning as in Municipal Code section 33.1635, but does not include establishments to which minors are not permitted admittance.

Billboard means any sign space that is permanently placed on or affixed to the ground, the sidewalk, a pole or post, or a building, and is not appurtenant to the use of the property, a product sold, or the sale or lease of the property on which displayed and which does not identify the place of business as purveyor of the merchandise or services advertised upon the sign. *Billboard* also means any sign space that is permanently placed on a vehicle that is used primarily for the purpose of displaying outdoor advertising.

Child care center has the same meaning as in Municipal Code section 101.0101.0102 or its successor.

City has the same meaning as in Municipal Code section 11.0210.

Director has the same meaning as in Municipal Code section 11.0210.

Library means any public library operated by the *City*.

Person has the same meaning as in Municipal Code section 11.0210.

Playground means any outdoor premises or grounds owned or operated by the *City*, a public or private *school*, *child care center*, *recreation center or facility*, that contains any play or athletic equipment used or intended to be used by minors.

Recreation center or facility means any recreation center or facility under the control, direction or management of the *City*.

School means any public or private elementary or secondary school, attendance at which satisfies the compulsory education laws of the State of California.

(“Definitions” added 11-14-2000 by O-18879 N.S.)

§58.0502 Measure of Distance

The distance between any *billboard* and any *school*, *playground*, *recreation center or facility*, *child care center*, *arcade*, or *library* shall be measured in a straight line, without regard to intervening structures, from the *billboard* to the closest property line of the *school*, *playground*, *recreation center or facility*, *child care center*, *arcade*, or *library*.

(“Measure of Distance” added 11-14-2000 by O-18879 N.S.)

§58.0503 Advertising Restrictions

It is unlawful for any *person*, business, or retailer to place or maintain, or cause to be placed or maintained, any *advertising* of *alcoholic beverages* on a *billboard* that is within 1000 feet of a *school*, *playground*, *recreation center or facility*, *child care center*, *arcade*, or *library*. This section does not apply to any noncommercial message.

(“Advertising Restrictions” added 11-14-2000 by O-18879 N.S.)

§58.0504 Enforcement

- (a) Violations of this Division shall be prosecuted as infractions for the first offense, and may be prosecuted as misdemeanors for subsequent offenses, subject to the fines and custody provided in Municipal Code Section 12.0201. Any *Director* may also seek injunctive relief and civil penalties pursuant to Municipal Code Section 12.0202 or pursue any administrative remedy as provided in Chapter 1 of this Code.
- (b) Any *person* who commits or proposes to commit an act in violation of this Division may be enjoined therefrom by a court of competent jurisdiction. An action for injunction may be brought by any aggrieved *person*, or any *person* or entity which will fairly and adequately represent the interests of the protected class.
- (c) Any plaintiffs who prevail in a civil action brought under this section shall be entitled to recover reasonable damages, costs, and attorneys' fees as determined by the court. In addition to all other damages, the court may award the plaintiffs a civil penalty of up to one thousand dollars (\$1,000.00) for each violation.
- (d) The remedies provided by this section are in addition to any other legal or equitable remedies the aggrieved person may have and are not intended to be exclusive.

(“*Enforcement*” added 11-14-2000 by O-18879 N.S.)